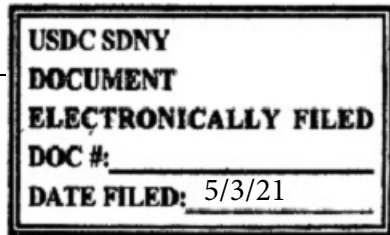




**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

*86 Chambers Street, 3<sup>rd</sup> floor  
New York, NY 10007*



April 30, 2021

**By ECF**

Hon. Barbara Moses  
United States Magistrate Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007-1312

**MEMO ENDORSED**

**Re: *Rosario v. Commissioner of Social Security*,  
No. 20-cv-10020 (GHW) (BCM)**

Dear Judge Moses:

This Office represents Andrew M. Saul, the Commissioner of Social Security (the “Commissioner”), the defendant in the above-referenced action brought pursuant to 42 U.S.C. § 405(g), in which the plaintiff challenges a decision to deny her application for Social Security disability benefits.

I respectfully write to request a 60-day extension of time for the Commissioner to file the certified administrative record in this case, from May 3, 2021, to June 3, 2021. The extension is needed because the COVID-19 pandemic has significantly impacted the operations of the Social Security Administration (“SSA”) and its Office of Appellate Operations (“OAO”) and materially affected its ability to prepare certified administrative records. As described in the Declaration of Jebby Rasputnis, dated March 17, 2021, beginning in mid-March 2020, the SSA restricted physical access to its physical buildings. (Rasputnis Decl. ¶ 2.) Since that time, OAO has been working to overhaul, redo, refine, and streamline its business processes to continue operations remotely. (Rasputnis Decl. ¶ 2.) It has now reached and surpassed pre-pandemic levels of production of electronic certified administrative records. (Rasputnis Decl. ¶ 2.) However, while the OAO transitioned to a virtual process, the number of new cases filed in federal court also increased, creating a significant backlog that the OAO is still working to address. (Rasputnis Decl. ¶¶ 3-5.)

This is the Commissioner’s second request for an extension of time to file the certified administration record. The Court previously granted the Commissioner a 60-day extension of time to file the record. (Dkt. No. 13.) The plaintiff does not consent to the request for an extension of time due to the delay, but I respectfully request that the Court nevertheless grant the extension of time given the delays caused by the COVID-19 pandemic and the need for additional time to prepare the record and facilitate resolution of this case on the merits.

I thank the Court for its consideration of this request.

Respectfully,

AUDREY STRAUSS  
United States Attorney

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cc: Johanna Rosario (by mail and email)  
*Plaintiff Pro Se*

It is unclear whether the Commissioner is requesting an additional 30 days or 60 days to file the administrative record. Moreover, it is the Commissioner's second request for an extension, and plaintiff does not consent. Therefore, the Commissioner shall file the administrative record no later than **June 3, 2021**. No further extensions will be granted absent compelling circumstances.

The Clerk of Court is respectfully directed to mail a copy of this order to the *pro se* plaintiff.

SO ORDERED.



Barbara Moses, U.S.M.J.  
May 3, 2021